

WORKSAFE BC

PUBLIC HEARING

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Fort St. John, B.C.

June 10, 2008

TRANSCRIPT OF PROCEEDINGS

PANEL:

Roberta Ellis

Chair

Anne Burch

Vice-Chair

Ed Bates

Legal Counsel

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THE CHAIR
Introductory Remarks

1 THE CHAIR: Good afternoon, everybody, and thank you very much
2 for taking some time to meet with us here today. We
3 haven't been in Fort St. John for a public hearing for
4 some time and so we thought it was time to get back up
5 here.

6 I am going to start by introducing myself and the
7 members of this panel. My name is Roberta Ellis and I am
8 the chair and vice-president of the policy and research
9 division at WorkSafe BC. On my left is Anne Burch, who
10 is our vice-chair and director of prevention policy and
11 regulation review. And on my right, Ed Bates, who is
12 general counsel and secretary to WorkSafe BC.

13 And I am also going to introduce Ruth Richardson.
14 Ruth is our court reporter here today and she will be
15 taking verbatim notes of this public hearing. This
16 record assists the Board of Directors of WorkSafe BC in
17 their decision-making process, and the recorded notes are
18 made public after the Board of Directors makes any
19 decisions regarding these proposed regulatory amendments.

20 Now the purpose of being here is to have you have an
21 opportunity to provide us with some input and comment
22 from the proposed amendments. And I'm going to read into
23 the record the sections of the Occupational Health and
24 Safety Regulation that we are proposing for amendment and

THE CHAIR
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1 they are:

2 Part 1: Definitions; and Part 4, General Conditions
3 relating to avalanches.

4 Part 4: General Conditions relating to environmental
5 tobacco smoke.

6 Part 5: Chemical Agents and Biological Agents relating
7 to the designation of substances.

8 Part 14: Cranes and Hoists relating to operator's
9 duties.

10 Part 17: Transportation of Workers relating to seating
11 requirements and seatbelts in vehicles used to transport
12 workers.

13 Part 20: Construction, Excavation and Demolition, and
14 Part 22: Underground Workings relating to fills,
15 stockpiles and professional certifications.

16 Part 22: Underground Workings relating to the
17 accommodation of tunnel boring and cut and cover
18 excavation methods; and

19 Part 23: Oil and Gas relating to snubbing operations,
20 emergency escape systems, riding hoisting equipment and
21 miscellaneous items.

22 And I also want to note that the proposed amendments
23 to Parts 1 and 4 relating to avalanches and to Parts 20
24 and 22 relating to fills and stockpiles were taken to the

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1 2007 public hearings. Stakeholders had asked for more
2 consultation and I do thank everybody on the record who
3 took time to work with us on these important issues. The
4 amendments were revised and are now being returned to
5 this public hearing.

6 Stakeholders have been advised of the 2008 proposed
7 amendments and associated explanatory notes. The
8 proposed changes have been placed on our WorkSafe BC
9 website; sent to over 3500 stakeholders via E-news;
10 advertised in the BC Gazette and seventeen newspapers;
11 and we have also contacted representatives of industry
12 associations and interest groups to encourage their
13 response.

14 And copies of everything are available at the front
15 desk, and please do help yourselves.

16 If you have written material to leave with us, you can
17 do that by giving it to us or leaving it at the sign-in
18 desk. Oral and written submissions form part of the
19 public hearing record and the deadline for receipt of any
20 written materials is 4:30 p.m. on Friday, June 13th,
21 2008.

22 The public hearings represent the formal consultation
23 process and once the hearing process is complete, the
24 written and oral submissions are analyzed and the Board

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1 of Directors is the decision-making body at WorkSafe BC
2 and they will have access to all of the submissions prior
3 to making their final decision on each proposal.

4 So this is your opportunity to be heard on these
5 issues and we do thank you for your interest and
6 involvement and look forward to hearing your views.

7 And just also before we begin, I'll just note that
8 because these amendments have been largely fairly
9 technical, we have had good turnout but less than usual.
10 So what I will do is once we reach an actual break, once
11 everybody has been heard, I will adjourn the proceedings
12 for a little while just to make sure -- and we'll stay
13 here, just to make sure that nobody who wants to speak is
14 deprived of that opportunity. But just to let you know
15 that once we've heard from everybody who is either
16 registered or come along today, we will go into
17 adjournment.

18 So could I ask Mr. Mike Spiruda, if Mike is here?

19 Yes. Mike Spiruda is a representative of the

20 International Union of Operating Engineers. Correct?

21 MR. SPIRUDA: Yes.

22 THE CHAIR: Come on forward, Mike, and I think you were going
23 to speak to Part 23, Oil and Gas?

24 MR. SPIRUDA: Yes.

1 THE CHAIR: Go ahead, please.

2 MR. SPIRUDA: I'll just give you a little background on myself.

3 I worked in the oil and gas industry since 1978, thirty
4 years, building roads and leases, moving rigs and tearing
5 them down, pipelines, gas plants, that sort of thing.

6 So Section 21.3 we're in agreement with the amendment
7 to add "snubbing unit" to the definition of a rig. This
8 amendment ensures that the provisions of Part 23 must be
9 applied to all snubbing units. So we recommend
10 implementation.

11 Section 23.18, handling pipe, and 23.30, the breakout
12 tongs, we're in agreement with these amendments as they
13 recognize there's been technological improvements which
14 provide a safer means of getting the job done.

15 Section 23.22, driver training, we're in agreement
16 with that amendment which reflects the changeover to
17 Enform Canada as the service provider for training
18 certification, health and safety services to the upstream
19 petroleum industry. So we recommend implementation.

20 Section 23.39, the emergency escape system,
21 specifically (1) and (2), we're not in agreement with
22 these proposed amendments which would allow employers to
23 continue to use the T-bar escape system. The explanatory
24 notes identified the WCB's concerns that with the

1 numerous hazards associated with the escape system, if
2 the worker is not already suffering some kind of injury
3 prior to the system, there's a good likelihood they'll be
4 injured in the process of the descent.

5 There are a number of vertical descent devices
6 currently in use and in development, such as the pod
7 egress system which provides a lift that completely
8 encloses the worker. The BC Feds discussions with
9 workers and Enform Canada have confirmed that many oil
10 and gas companies are already using the new escape
11 system, which allows workers to safely escape from the
12 rig should there be a reason.

13 Cost does not appear to be a deterrent to the
14 companies and safer systems have industry acceptance and
15 they're already in use.

16 The performance based regulation would allow some
17 employers to continue to put their workers at risk
18 because they would not be required to provide a safer
19 escape system. So we recommend that the WCB Board of
20 Directors revise the proposed amendment and include the
21 requirement that there be a phase out period of eighteen
22 months from the date of implementation for all T-bar
23 escape systems, Geronimo's, that type of thing. You
24 know, we can go a long way in accident prevention also,

1 right?

2 Section 23.39 (4) and (5), we're in agreement with
3 these amendments, which require specific times for
4 testing and inspecting escape systems in accordance with
5 the manufacturer's instructions. Section 5 requires that
6 a worker assigned to work on a principal working platform
7 must be provided with training to do -- to do a practice
8 escape within five work shifts and that a repeat practice
9 at least a month -- at least a month thereafter.

10 We're in favour of these prospective requirements
11 provided that the T-bar system is phased out. Doing
12 practice escapes on such a system would put workers at
13 risk of injury. Industry may have programs of training,
14 but if these are not regulations, they're not
15 enforceable. These requirements reinforce the
16 obligation of the employer to provide proper safety
17 training for new and young workers. Oil and gas is a
18 hazardous -- a very hazardous workplace and these
19 amendments would ensure that greater safety for the
20 workers themselves.

21 So our recommendation to the Board of Directors is
22 please implement these amendments.

23 Section 23.51, riding hoisting equipment. We're in
24 agreement with this amendment, but in addition to these

MIKE SPIRUDA
International Union of Operating Engineers

1 amendments to Part 23, we recommend that the WCB Board of
2 Directors could consider a future amendment to require
3 notification of projects, such as drilling rigs location,
4 service rigs, snubbing units, notification of the
5 projects where they are, etcetera, to WCB.

6 There's a lot of activity in the upstream petroleum
7 industry and without this requirement, it makes
8 enforcement of regulations much more difficult.

9 That's all I have to --

10 THE CHAIR: Mike, I just wanted to ask you a question, if
11 that's okay. We've heard quite a bit of comment
12 favourable to the regulation but concerned about, I
13 guess, the T-bar, the Geronimo style egress methods.

14 MR. SPIRUDA: Yeah.

15 THE CHAIR: How prevalent would you say that still is in the
16 industry, or do you think it really is on its way out?

17 MR. SPIRUDA: Well, I mean anything new, they use the newer
18 systems.

19 THE CHAIR: Right.

20 MR. SPIRUDA: But the old ones are still there and we know it's
21 not safe, the T-bar, right?

22 THE CHAIR: Right.

23 MR. SPIRUDA: And why don't we just phase it out completely. I
24 mean eighteen months, I don't -- that's a lot of time.

MIKE SPIRUDA
International Union of Operating Engineers

1 And the newer systems aren't a major cost to an employer
2 and they're much safer for the employees, right? So I
3 mean why don't we just -- we're not fixing something that
4 isn't broke, like the T-bar is broke, right?

5 THE CHAIR: Yeah.

6 MR. SPIRUDA: So why don't we have something in there to phase
7 it out so it is gone, right?

8 THE CHAIR: Thank you.

9 MR. SPIRUDA: You know, smaller company starts up, they're
10 going to buy an old rig that still has the T-bar and
11 they're going to use it if they're allowed to. Right?

12 THE CHAIR: Okay. Thanks very much, appreciate your comments.
13 Thank you.

14 MR. SPIRUDA: Thanks.

15 THE CHAIR: Mr. Ken Goodbrand. Mr. Goodbrand is with BJ
16 Services. I think Mr. Goodbrand is going to speak to
17 Part 14, cranes and hoists.

18 MR. GOODBRAND: That's right.

19 THE CHAIR: Yes.

20 MR. GOODBRAND: I'm here on behalf or at the request of Doug
21 Smith, the field safety manager for BJ Services. I have
22 had a bit of a chance to look through this and I think I
23 understand the issues here.

24 I just want to make sure that you would have a copy of

KEN GOODBRAND
BJ Services

1 a letter of a letter that Doug submitted previously, May
2 21st, do you have a copy?

3 THE CHAIR: I think so, but we could probably also just take
4 one and photocopy it before you leave.

5 MR. GOODBRAND: Okay. I guess I'll maybe start by just going
6 through some of the points on this letter. The specific
7 concern I guess is concerning the amendment 14.37.1, the
8 operator of a crane, hoist or Boom truck must have full
9 control of the equipment controls whenever the hoisting
10 equipment is in use, and engage in no other duties while
11 operating the equipment.

12 The proposed regulation causes some concerns for use
13 of cranes in the oilfield services. It's common that
14 crane operators may have other duties once the crane is
15 in use. Wireline operations and coil tubing unit
16 operations have similar functions in the oilfield. The
17 crane is used to rig up the equipment, while the wellhead
18 is closed, and then once the equipment is rigged up on
19 the wellhead, they provide supplemental support to the
20 equipment that's on the wellhead, but not exclusive. The
21 load shifts to being set on the wellhead and the crane is
22 used to stabilize, so the full load is no longer
23 suspended entirely by the crane. And once the equipment
24 on coil tubing units is on the wellhead, it's stabilized

1 by the use of chains as well.

2 Some concerns that we have with the draft are the
3 proposed change would require the operator to be in a
4 potentially hazardous area continuously when only
5 intermittent access is normally required.

6 These include being in close proximity to the
7 wellhead, potential H2S exposure, high pressure lines and
8 obviously coil tubing unit services are performed on live
9 wells. So once coil tubing operations are underway, the
10 wellhead is open and the crane operator's position is
11 very close to that. When he's operating the crane to set
12 the equipment there, the wellhead is closed so the risk
13 of exposure to wellhead fluids or gases is minimal.

14 The amendment that would require the operator to be at
15 his post, at the controls, when there's no crane operator
16 -- when there's no crane activities required. The coil
17 tubing operation as a whole has a bunch of equipment
18 working and there's a routine that they go through to
19 check all the equipment on the site, so they're doing
20 possibly hourly walk arounds to check all pieces of
21 equipment, and at which time the crane does get looked
22 at, make sure that there's been no seepage or that the
23 weigh indicator is still reading what it should be.

24 So that's -- I think that gets to the point. I

KEN GOODBRAND
BJ Services

1 brought along a picture which I think shows very well
2 what I'm trying to say, if you want to have a look at it
3 --

4 THE CHAIR: Sure, I'll just come and look at it, Mr. Goodbrand.
5 It's usually worth a thousand words. Can I take it?

6 MR. GOODBRAND: Sure. I wasn't intending on leaving it but --

7 THE CHAIR: No.

8 MR. GOODBRAND: -- if it's valuable, I could.

9 THE CHAIR: Well if you could just explain it as I'm looking at
10 it.

11 MR. GOODBRAND: This is coil tubing unit, this is the wellhead.
12 There's the master valve. Here's a B.O.B., right in here
13 is a stripper which is the primary control of the well
14 bore fluid, and then this is the operating post for the
15 crane operator. So once they get this equipment set up,
16 to have someone standing there, and these jobs can be
17 long duration, eight, twelve, twenty-four hours, and to
18 have somebody standing there, which I believe is what the
19 regulation is requiring.

20 THE CHAIR: I think it's a really good point. If we were -- if
21 it's okay with you, I wouldn't mind taking it and then
22 returning it to you.

23 MR. GOODBRAND: Yeah, absolutely.

24 THE CHAIR: We could take a copy of it and get it back to you.

KEN GOODBRAND
BJ Services

1 MR. GOODBRAND: That's fine.

2 THE CHAIR: Sure. And Mr. Goodbrand, I do have a question, I
3 was just wondering for the kind of industry specific
4 scenario that you're describing --

5 MR. GOODBRAND: Mm hmm.

6 THE CHAIR: -- is there an industry recommended practice or is
7 there an existing best practice or safe practice that
8 industry uses for this kind of scenario?

9 MR. GOODBRAND: I don't believe there's an ROP that
10 specifically addresses this aspect.

11 THE CHAIR: Okay.

12 MR. GOODBRAND: We do put our operators through, or require
13 them to have crane operator training --

14 THE CHAIR: Right.

15 MR. GOODBRAND: -- and I do have a little bit of information
16 here on that, so our operators are trained.

17 THE CHAIR: What I might do then is -- there's generally been
18 fairly good support for the regulation. This may be a
19 specific practice in your sector that requires us to take
20 a little look at this.

21 MR. GOODBRAND: Okay.

22 THE CHAIR: And what we might want to do is get one of our
23 staff who's well versed in the oil and gas industry to do
24 a little follow up work with you --

KEN GOODBRAND
BJ Services

1 MR. GOODBRAND: Right.

2 THE CHAIR: Just to make sure that we're not causing an
3 inadvertent problem that wasn't intended for this
4 particular aspect of this particular sector, Mr.
5 Goodbrand.

6 MR. GOODBRAND: Right.

7 THE CHAIR: So we'll follow up on that with you and get back to
8 you, and we'll make sure that we return your photograph.

9 MR. GOODBRAND: Okay.

10 THE CHAIR: But I wouldn't mind using it just to show the staff
11 what you meant.

12 MR. GOODBRAND: Okay, by all means.

13 THE CHAIR: Thank you, sir. Any other comments or --

14 MR. GOODBRAND: No.

15 THE CHAIR: Good, thank you. Mr. Spiruda and Mr. Goodbrand
16 were the individuals who had actually registered ahead,
17 but can I just ask if there is anybody with us who would
18 like to make some comments or remarks about the proposed
19 amendments?

20 Okay, so I'm going to temporarily adjourn the hearing
21 process. Our practice in these situations is to go off
22 the record, gives us an opportunity to meet you, and then
23 I can check with our staff and just make sure we're not
24 missing anybody who does want to present.

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1 (OFF THE RECORD)

2 THE CHAIR: So we're back on the record. So there being no
3 further registrants for this session of our public
4 hearings here in Fort St. John, and no other individuals
5 having dropped by, we are going to adjourn this session
6 and resume this evening.

7
8 (PROCEEDINGS ADJOURNED TO 7:00 P.M.)

9 THE CHAIR: I'm going to open the hearing formally just in case
10 there are any other individuals who want to drop in to
11 the public hearing this evening.

12 So first of all, introductions, I'm Roberta Ellis, I
13 am the chair and vice president of the policy and
14 research division. And on my left is Anne Burch, the
15 vice-chair and director of prevention policy and
16 regulation review. And on my right, Mr. Ed Bates, who is
17 general counsel and secretary to WorkSafe BC.

18 Ruth Richardson is our court reporter and she takes
19 verbatim notes of the public hearings and the record
20 assists the Board of Directors of WorkSafe BC in their
21 decision making process and the recorded notes are all
22 made public after the Board of Directors makes decisions
23 regarding the proposed regulatory amendments.

24 The public hearings are held to afford an opportunity

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Introductory Remarks

1 to stakeholders and members of the public to give us
2 their views and this particular set of hearings we are
3 looking at amendments to the regulation:

4 Part 1: Definitions; and Part 4: General Conditions
5 relating to avalanches.

6 Part 4: General Conditions relating to environmental
7 tobacco smoke.

8 Part 5: Chemical Agents and Biological Agents relating
9 to the designation of substances.

10 Part 14: Cranes and Hoists relating to operator's
11 duties.

12 Part 17: Transportation of Workers relating to seating
13 requirements and seatbelts in vehicles used to transport
14 workers.

15 Part 20: Construction, Excavation and Demolition; and

16 Part 22: Underground Workings relating to fills,
17 stockpiles and professional certifications.

18 Part 22: Underground Workings relating to the
19 accommodation of tunnel boring and cut and cover
20 excavation methods.

21 Part 23: Oil and Gas relating to snubbing operations,
22 emergency escape systems, riding hoisting equipment and
23 miscellaneous items.

24 The proposed amendments to Parts 1 and 4 relating to

THE CHAIR
Introductory Remarks

1 avalanches, and 20 and 22 relating to fills and
2 stockpiles did come to the 2007 public hearings.
3 Stakeholders asked for more consultation and we did
4 accommodate that and the amendments were revised and are
5 being returned to this public hearing process.

6 Stakeholders were advised of the 2008 proposed
7 amendments. They were placed on our WorkSafe BC website;
8 sent to over 3500 stakeholders via E-news; advertised in
9 the BC Gazette and seventeen newspapers; and we also
10 contacted representatives of industry associations and
11 interest groups to encourage their response.

12 Copies of the proposed amendments are available at the
13 front desk. Written material can be left with us here,
14 either at the front or at the sign-in desk. Oral and
15 written submissions form part of the public hearing and
16 the deadline for receipt is 4:30 p.m. on Friday, June
17 13th, 2008.

18 The public hearings represent the formal consultation
19 process. We have one more hearing that we will be
20 holding in Cranbrook, and once that's complete, the Board
21 of Directors are a decision-making body and they'll have
22 access to all of the submissions prior to making their
23 final decisions.

24 So having checked with our administrative assistant,

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1 Leley Neudorf, and noting that there are no members of
2 the public or stakeholders who have signed up to present
3 at this public hearing, I am going to adjourn the
4 proceedings. In the meantime we will be here for a
5 little longer just to make sure that no one who wishes to
6 be heard, isn't given the opportunity to be heard, but in
7 the meantime I'm going to adjourn the evening session.

8 (OFF THE RECORD)

9 THE CHAIR: So I have checked with our administrative assistant
10 and I note there are no other individuals who have signed
11 in or indicated that they wish to present at this
12 session, so I am going to adjourn the public hearing for
13 today.

14
15 (HEARING ADJOURNED)

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THE CHAIR
Introductory Remarks

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REPORTER'S CERTIFICATE

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I, RUTH E. RICHARDSON, Official Reporter in the Province of British Columbia, Canada, BCSRA No. 133, do hereby certify:

That the proceedings were taken down by me in shorthand at the time and place therein set forth, and thereafter transcribed, and the same is a true and correct and complete transcript of said proceedings, to the best of my skill and ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of June , 2008.

.....

Ruth E. Richardson
Official Reporter